

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## PHARMACOPHORE RECOMBINATION FOR THE IDENTIFICATION OF SMALL MOLECULE DRUG LEAD COMPOUNDS

the specification of which is attached hereto unless the following box is checked:

☒ was filed on March 26, 1999 as United States Application Number or PCT International Application Number 09/277,461 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

### PRIOR FOREIGN APPLICATION(S)

NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

APPLICATION NO.	FILING DATE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS: PATENTED, PENDING, ABANDONED
<u>09/049,754</u>	<u>March 27, 1998</u>	<u>Pending</u>

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Patricia D. Granados, Reg. No. 33,683; John P. Isacson, Reg. No. 33,715; Donald D. Jettory, Reg. No. 19,980; Eugene M. Lee, Reg. No. 32,039; Richard Linn, Reg. No. 25,144; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; Sybil Meloy, Reg. No. 22,749; George E. Quillin, Reg. No. 32,792; Colin G. Sandercock, Reg. No. 31,298; Bernhard D. Saxe, Reg. No. 28,665; Charles F. Schill, Reg. No. 27,590; Richard L. Schwaab, Reg. No. 25,479; Arthur Schwartz, Reg. No. 22,115; Harold C. Wegner, Reg. No. 25,258.

Address all correspondence to FOLEY & LARDNER, 3000 K Street, N.W., Suite 500, Washington, DC 20007-5109. Address telephone communications to Bernhard D. Saxe at (202) 672-5300.

I hereby declare that all statements made by me, my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor <b>Jonathan A. ELLMAN</b>	Signature of First or Sole Inventor <i>Jonathan A. Ellman</i>	Date <b>6/21/99</b>
Residence Address <b>Oakland, California</b>	Country of Citizenship <b>U.S.A.</b>	
Post Office Address <b>5450 Masonic Avenue, Oakland, California 94618</b>		

Full Name of Second Inventor <b>Ingrid CHOONG</b>	Signature of Second Inventor <i>Ingrid Choong</i>	Date <b>6/21/99</b>
Residence Address <b>Berkeley, California</b>	Country of Citizenship <b>U.S.A.</b>	
Post Office Address <b>1530 Arch Street, #3, Berkeley, California 94708</b>		

Applicant or Patentee: ELLMAN et al  
Serial or Patent No.: 09/277,461 Atty. Dkt. No. 045413/102  
Filed or Issued: March 26, 1999  
For: PHARMACOPHORE RECOMBINATION FOR THE IDENTIFICATION OF SMALL MOLECULE DRUG LEAD COMPOUNDS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) AND 1.27 (c)) — SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Sunesis Pharmaceuticals, Inc.  
ADDRESS OF CONCERN 3696 Haven Ave., Suite C, Redwood City, CA 94063

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled PHARMACOPHORE RECOMBINATION FOR THE IDENTIFICATION OF SMALL MOLECULE DRUG LEAD COMPOUNDS by inventor(s) ELLMAN et al described in

- ☐ the specification filed herewith  
☒ application serial no. 09/277,461, filed March 26, 1999  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities: (37 CFR 1.27)

NAME: The Regents of the University of California  
ADDRESS: 300 Lakeside Drive, 22nd Floor, Oakland, CA 94612-3550  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT CORPORATION

NAME: Sunesis Pharmaceuticals Inc  
ADDRESS: 3696 Haven Ave., Suite C, Redwood City, CA 94063  
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT CORPORATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate: (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Eric M. Gordon, Ph.D.  
TITLE OF PERSON OTHER THAN OWNER: Senior Vice President of Research  
ADDRESS OF PERSON SIGNING: 3696 Haven Ave., Suite C, Redwood City, CA 94063  
SIGNATURE: [Signature] DATE: 6/21/99

Applicant or Patentee: ELLMAN et al

Serial or Patent No. 1277.461 Atty. Dkt. No. 13/102

Filed or Issued: March 26, 1999

For: PHARMACOPHORE RECOMBINATION FOR THE IDENTIFICATION OF SMALL MOLECULE DRUG LEAD COMPOUNDS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(d) AND 1.27 (c)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The Regents of the University of California  
ADDRESS OF ORGANIZATION: 300 LANSING DRIVE, OAKLAND, CA 94607-5220  
TYPE OF ORGANIZATION: 1111 Franklin Street, 12th Floor, Oakland, CA, 94607-5220  
☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE )  
(CITATION OF STATUTE )  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE )  
(CITATION OF STATUTE )

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) or (b) of Title 35, United States Code with regard to the invention entitled PHARMACOPHORE RECOMBINATION FOR THE IDENTIFICATION OF SMALL MOLECULE DRUG LEAD COMPOUNDS by inventor(s) ELLMAN et al described in

☐ the specification filed herewith  
☒ application serial no. 09/277,461, filed March 26, 1999  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: Sunesis Pharmaceuticals, Inc.  
ADDRESS: 3696 Haven Ave. Suite C Redwood City CA 94063  
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT CORPORATION

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT CORPORATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate: (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: William A. Hoskins, UCB Office of Technology Licensing  
TITLE OF PERSON OTHER THAN OWNER: Director  
ADDRESS OF PERSON SIGNING: 2150 Shattuck Avenue, Suite 510, Berkeley, California 94720-1620  
SIGNATURE: William A. Hoskins DATE: June 24, 1999

# ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto **The Regents of the University of California**  
**300 Lakeside Drive, 22nd Floor**  
**Oakland, California 94612-3550**

name and  
address of  
assignee

(hereinafter ASSIGNEE) all right, title and interest for the United States, its territories and possessions in and to this invention relating to

title of  
invention

**PHARMACOPHORE RECOMBINATION FOR THE IDENTIFICATION OF SMALL  
MOLECULE DRUG LEAD COMPOUNDS**

as set forth in this United States Patent Application

check one

executed concurrently herewith  
executed on \_\_\_\_\_

☒ Serial No. 09/277,461 Filed March 26, 1999

in and to said United States Patent Application including any and all divisions or continuations thereof and in and to any and all Letters Patent of the United States which may issue on any such application or for said invention, including any and all reissues or extensions thereof, to be held and enjoyed by said ASSIGNEE, its successors, legal representatives and assigns to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by the undersigned had this Assignment not been made;

Each of the undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all such Letters Patent to said ASSIGNEE, its successors or assigns in accordance herewith;

Each of the undersigned warrants and covenants that he has the full and unencumbered right to sell and assign the interests herein sold and assigned and that he has not executed and will not execute any document or instrument in conflict herewith;

Each of the undersigned further covenants and agrees he will communicate to said ASSIGNEE, its successors, legal representatives or assigns all information known to him relating to said invention or patent application and that he will execute and deliver any papers, make all rightful oaths, testify in any legal proceedings and perform all other lawful acts deemed necessary or desirable by said ASSIGNEE, its successors, legal representatives or assigns to perfect title to said invention, to said application including divisions and continuations thereof and to any and all Letters Patent which may be granted therefor or thereon, including reissues or extensions, in said ASSIGNEE, its successors, or assigns or to assist said ASSIGNEE, its successors, legal representatives or assigns in obtaining, reissuing or enforcing Letters Patent of the United States for said invention;

Each of the undersigned hereby grants the firm of FOLEY & LARDNER the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

NAMES AND SIGNATURES OF INVENTORS		
Name: <b>Jonathan A. ELLMAN</b>	Signature: <i>Jonathan A. Ellman</i>	Date: <b>6/21/99</b>
Name: <b>Ingrid CHOONG</b>	Signature: <i>Ingrid Choong</i>	Date: <b>6/21/99</b>
Name:	Signature:	Date:
Name:	Signature:	Date:
NAMES AND SIGNATURES OF WITNESSES		
Name: <b>BLISSETH G. SY</b>	Signature: <i>B. G. Sy</i>	Date: <b>6/21/99</b>
Name: <b>Josh Patel</b>	Signature: <i>Josh Patel</i>	Date: <b>6/21/99</b>

Note: *Prima facie* evidence of execution may optionally be obtained by execution of this document before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket: 045413/0102

In re patent application of

Jonathan A. ELLMAN et al.

Serial No. CIP OF 09/049,754

Filed: March 27, 1999

For: PHARMACOPHOR RECOMBINATION FOR THE IDENTIFICATION OF  
SMALL MOLECULE DRUG LEAD COMPOUNDS

REVOCATION AND NEW POWER OF ATTORNEY

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

The undersigned officer of the assignee of the above application hereby revokes all previous powers of attorney in connection with this application. He hereby appoints as his attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Stephen A. Bent, Reg. No. 29,768; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Patricia D. Granados, Reg. No. 33,683; John P. Isacson, Jr., Reg. No. 38,195; Glenn Law, Reg. No. 34,371; Eugene M. Lee, Reg. No. 32,039; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; Sybil Meloy, Reg. No. 22,749; Richard C. Peet, Reg. No. 35,792; George E. Quillin, Reg. No. 32,792; Colin G. Sandercock, Reg. No. 31,298; Bernhard D. Saxe, Reg. No. 28,665; Charles F. Schill, Reg. No. 27,590; Richard L. Schwaab, Reg. No. 25,479; Arthur Schwartz, Reg. No. 22,115; Harold C. Wegner, Reg. No. 25,258.

It is requested that all correspondence be sent to:

FOLEY & LARDNER  
Suite 500, 3000 K Street, N.W.  
Washington, D.C. 20007-5109

Address telephone communications to Bernhard D. Saxe at (202) 672-5300.

Respectfully submitted,  
THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA.

By: 

William A. Hoskins  
Director, Office of Technology Licensing